

REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1-37 are pending, with Claims 1, 8, 16, 17, 18, 20, 22, 32, and 34 being independent. Claims 22-37 stand withdrawn from consideration.

Claims 38 and 39 have been canceled without prejudice to or disclaimer of the subject matter presented therein.

Claims 1, 8, 16, 17, 18, and 20 have been amended. Applicant submits that support for these amendments can be found in the original disclosure, for example, at least at page 28, lines 20-27 and page 42, line 25, through page 43, line 13. Therefore, no new matter has been added.

The Examiner did not expressly repeat the rejection of Claims 1-15 under 35 U.S.C. §101, but did assert that Applicant's arguments were not persuasive. If the Examiner intended to maintain this rejection, Applicant respectfully traverses it. In particular, Applicant respectfully disagrees with the Examiner's assertion that the claims are not tangibly embodied, and as such are only directed to software *per se*, on two grounds. First, the plain language of the independent Claim 1 recites that the claimed invention is "an information processing apparatus." Since the claim recites an apparatus, it clearly is not directed to software *per se*. Secondly, because Claims 1-15 are drafted in means-plus-function format, according to law they must be "construed to cover the corresponding structure, material, or acts described in the specification" for performing the claimed function, or equivalents. 35 U.S.C. §112, sixth paragraph. While the specification does disclose that the claimed control method can be implemented by software, it clearly

discloses that the software is implemented in a CPU or host computer. Software *per se* does not perform any function unless implemented in a CPU or host computer. Therefore, under the statutory provisions of Section 112, sixth paragraph, Claim 1 must be construed as covering a CPU or host computer implementing software, and it is not necessary for a CPU to be expressly recited in the claims. Similar logic applies to Claim 8. Applicant submits that Claims 1-15 comply with the PTO guidelines regarding computer-related inventions and are directed to statutory subject matter. Favorable reconsideration and withdrawal of the section 101 rejection are requested.

Claims 1-21 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Regarding Claims 1-21, applicant submits that the amended independent Claims 1, 8, 16, 17, 18 and 20 address the Examiner's comments and have support in the original disclosure. Applicant respectfully requests withdrawal of this rejection.

For the foregoing reasons, Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', written over a horizontal line.

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